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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Brin et al.

Examiner: A. Harris

Serial No.: 10/071,826

Art Unit: 1642

Filed: February 8, 2002

Confirmation No.: 2841

For: METHODS FOR TREATING

MAMMARY GLAND DISORDERS

Irvine, California

### TRANSMITTAL LETTER

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Dear Sir/Madam:

Please find enclosed with regard to the above-identified pending U.S. patent application: (1) this two page Transmittal Letter; (2) a 27 page response to the June 20, 2005 Office Action in the above-identified patent application; and (3) a return postcard.

#### **CLAIMS AS FILED**

	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRES EXTR		RATE	ADDITIONAL FEE
Total Claims	33	33	= 0	x	\$50.00	= \$0.00
Independent Cla	ims 09	09	= 0	X	\$200.00	= \$0.00
If application has been amended to contain multiple dependent claim(s), then add 0 \$360.00						= \$0.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						\$0.00

The Commissioner is hereby authorized to charge any fees required or necessary for the filing, processing or entering of this paper or any of the enclosed papers, and to refund any overpayment, to deposit account 01-0885.

Respectfully Submitted,

Date: July / 3 , 2005

Stephen Donovan

Registration Number 33,433

Please direct all inquiries and correspondence to:

Stephen Donovan Allergan, Inc. 2525 Dupont Drive, T2-7H Irvine, California 92612 Telephone: 714 246 4026

Fax: 714 246 4249

#### **CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. §1.10**

I hereby certify that this Transmittal Letter, the Response to Office Action and the documents referred to as enclosed therein are being deposited with the United States Postal Service on this date July 4, 2005 in an envelope as "Express Mail Post Office to Addressee" Mailing Label number **EL980000899US** addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Adriane Giberson

Name of person mailing paper

Date: July H, 2005

Signature of person signing paper



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### **RESPONSE TO OFFICE ACTION**

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

This response to the Office Action amends page 32, 34, and 50 of the specification, cancels claims 21-31 and amends claims 11-14 and 32.

## I. The Office Action

- 1. The June 20, 2005 office action (the "Office Action") in this application requested applicant to restrict to one of the inventions of:
  - A. Group I, claims 1-20, 32 and 33 and
  - B. Group II, claims 21-31.
- 2. The Office Action stated a telephone call was made to Stephen Donovan on Thursday, June 16, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

## II. Election

Applicants elects Group I, claims 1-20, 32, and 33 with traverse on the basis that since all of the claims are limited to use of a Clostridial neurotoxin, such as a botulinum toxin, therefore a single search should suffice to search all the claims.

The non-elected claims 21-31 are hereby cancelled without prejudice to further prosecution at a later date.

## III. Telephone Call

The Office Action stated a telephone call was made to Stephen Donovan on Thursday, June 16, 2005 to request an oral election to the above restriction requirement, but did not result in an election being made.

Respectfully, the undersigned attorney did not receive such a telephone call.